

SECTION 8 - Standards for Excavations Within the City of Bloomington Right of Way

The permit holder shall be responsible for all excavations until the surface area in which the excavation was made is resurfaced or reconstructed. All work within a City of Bloomington Right-of-Way for which a Right-of-Way excavation Permit is required shall be performed in accordance with, and conform to, the following standards. In the event of conflict between these requirements and Federal, State or local agencies, the more restrictive laws, rules, or regulations shall apply:

1. The Permit holder is responsible for locating all existing underground facilities. Under Indiana Public Law #I.S. 69-1990, it is the responsibility of the party performing the excavation (Permit Holder) to verify the location of all utility lines within the proposed work area. There is a toll free telephone number to call (1-800-382-5544), or simply dial 811, to arrange the locations for all relevant utilities. A minimum of 48 hours notice (2 working days) in advance of the excavation is required unless there is an emergency. Any damage to utilities, due to neglect or carelessness while excavating, will result in the contractor being billed for the cost of repairs by the owner of the damaged facility.

City of Bloomington Municipal code 12.08.100 Location of mains and pipes- - Supervision of work.

It shall be the duty of the permittee in connection with all work contemplated by this chapter, through its duly authorized agents, to determine the proper location for the water, gas, sewer or other connections or conduits to be made, and to locate all sewer laterals and taps and the City Engineer shall supervise the replacing of the excavation and pavements and see that all work in connection therewith is made and completed in a workmanlike manner, and in compliance with all safety requirements and specifications required hereunder. (Ord. 86-49 § 1 (part), 1986: prior code § 23-23).

2. All excavation, trenching, shoring and stockpiling of excavated materials shall be in strict compliance with the applicable OSHA and IOSHA rules and regulations, State Health Department rules and regulations, and all zoning and other ordinances and regulations of the City of Bloomington.

City of Bloomington Municipal code 12.08.150 Protection of sides of excavation--Injury to adjoining pavements.

Any person making excavations or causing the same to be made in pavements or adjacent to pavements shall so protect the sides of the excavation that the adjoining soil shall not cave in. It is unlawful for any person to excavate so as to undermine or injure any adjoining pavements. (Prior code § 23-28).

3. Protection of Existing Improvements:

- a.** The Permittee shall at all times take proper precautions and be responsible for the protection of existing street and alley surfaces, driveway culverts, street intersection culverts or aprons, irrigation systems, mail boxes, driveway approaches, curbs, gutters, sidewalks, and all other identifiable installations that may be encountered during the work.
 - b.** Existing improvements to adjacent property such as landscaping, fencing, utility services, driveway surfaces, etc., that are not to be removed shall be protected from injury or damage resulting from the Permit Holders work.
 - c.** The Permit Holder should take photographs of the site prior to commencement of work. This can provide a record of pre-existing conditions in the event questions arise after the project has begun or has been completed.
 - d.** The Permit Holder shall at all times take proper precautions for the protection of property pins/corners and survey control monuments encountered during construction. A registered land surveyor, at the Permit Holders expense, shall replace any damaged or disturbed survey markers.
 - e.** The repair of any damaged improvements as described above shall be the responsibility of the Permit Holder.
- 4.** Clean-up of Job Site - Streets and sidewalks shall be cleaned at the end of each workday, or more often if necessary, and the affected right-of-way shall be cleaned after construction is completed and left in a neat and presentable condition. Any sediment or debris from work performed by the Permit Holder shall be **prevented** from entering from sanitary or storm sewer systems, of the Permit Holder to remove, to the extent possible, any sediment or debris the does enter the storm

or sanitary sewer system. In the event that sediment or debris are not contained within the project area the Permit Holder may be subject to having a fine levied against them.

City of Bloomington Municipal code 12.08.110 Taking up pavement--Piling of material along curb.

Any person receiving a permit under the provisions of this chapter shall take up the pavement when the excavation is made through any kind of pavement and pile the same in a neat pile along the curb. All unacceptable backfill shall be hauled away in a timely manner. (Ord. 86-49 § 1 (part), 1986: prior code § 23-24)

5. Unless confined in a predefined, bermed containment area, the cleaning of cement truck delivery chutes is **prohibited** at the job site. The discharge of water containing waste cement to the storm sewer system is **prohibited**.
6. The Permit Holder shall protect all storm sewer facilities adjacent to any location where pavement cutting operations involving wheel cutting, saw cutting or abrasive water jet cutting are to take place. The Permit Holder shall remove and properly dispose of all waste products generated by said cutting operations on a daily basis. The discharge of any water contaminated by waste products from cutting operations to the storm sewer system is **prohibited**.
7. Vehicles or equipment traversing a street, sidewalk, or bike path surfaces shall not utilize studded or chained tires, metal caterpillar traction, rollers, or any other form of traction that will result in damage to the street, sidewalk, or path. Equipment outriggers shall be fitted with rubber pads whenever outriggers are placed on any improved surface. The Permit holder shall be responsible for any damaged caused to existing improved surface by the operation of such equipment and upon order of the Inspector shall replace such surfaces.
8. All waterways and overland drainage shall remain operative.
9. The ROW excavation permit as issued does not in any way imply an easement or right to enter private property.
10. The issuance of a Right of Way Excavation Permit does not confer upon the Permit Holder the right to cut, remove, or destroy trees or shrubbery within the legal limits of the right-of-way or easements that

are not specifically identified on the plan attached to this permit, or relieve the Permit Holder from obtaining any consent required from the owner of the property adjacent thereto. The Permit Holder shall protect the root growth of significant trees and shrubbery within the public right-of-way and properties adjacent thereto.

11. No commercial or residential property shall be denied access to the abutting street unless prior notice has been given to the property owner and occupant and all reasonable steps have been taken to provide access to the property.
12. No paint, even temporary marking paint, shall be used on brick pavement or brick sidewalks within the City of Bloomington Right-of-Way.
13. Any damage, even superficial, to the existing asphalt surface in the vicinity of the work shall be repaired at the expense of the Permit Holder, including but not limited to gouges, scrapes, backhoe bucket marks, etc. A slurry seal type covering will be considered the minimum repair. Patching may be required, at the discretion of the Engineering Department.
14. No pole or structure above ground shall be set in conflict with a Pedestrian walkway nor shall it be set less than ten (10) feet from the shoulder of any City street. A minimum ground clearance of 19 feet shall be provided where utility lines cross public roads. The clearance shall be measured from the center of the roadway.
15. All excavations considered destructive or disturbing to the surrounding pavement such as the use of a backhoe to break the pavement will be subject to additional repair extent standards.
16. **Permit on Job Site – The original permit form, or a photocopy, shall be kept on the work site for the duration of the project in the custody of the individual in charge, and shall be exhibited upon request made by any City official.**